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COMMISSION ON HUMAN RIGHTS
Intergovernmental Working Group of
Experts on Human Rights of Migrants
Second session
Geneva, 16-20 February 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Permanent Mission
of Belgium dated 30 January 1998

The Permanent Mission of Belgium to the United Nations Office at Geneva presents its compliments to the United Nations High Commissioner for Human Rights and has the honour to transmit herewith the Belgian Government's reply to the questionnaire addressed to Governments by the Intergovernmental Working Group of Experts on Human Rights of Migrants.

The Permanent Mission of Belgium takes this opportunity to convey to the Office of the High Commissioner for Human Rights the renewed assurances of its highest consideration.

Geneva, 30 January 1998

GE.98-10429 (E)

Best copy available

REPLY BY BELGIUM TO THE QUESTIONNAIRE ADDRESSED TO GOVERNMENTS BY THE INTERGOVERNMENTAL WORKING GROUP OF EXPERTS ON HUMAN RIGHTS OF MIGRANTS

1. Statistical data

Annexed to this submission, Belgium transmits to the group of experts a 24-page document entitled "Annual Report 1996", containing detailed information on the demographic evolution, employment, security and education of immigrants and migrants in Belgium.

2. Integration policy

The Belgian Government is fully convinced that it is both possible and necessary to integrate legally resident foreigners into Belgian society, on the basis of the following principles:

Complete respect for Belgian legislation by both immigrants and Belgians,

Integration on the basis of the democratic principles of the host country,

Respect for cultural diversity as an asset to the host country,

Efforts to involve members of immigrant groups in government activities,

Objective information and encouragement of communication among various population groups, and

Strengthening of anti-racist and anti-xenophobic activities.

A few years ago the Belgian Government decided to bring immigration to a halt since it believes it is easier for national population groups to accept immigrants if they have the feeling that the Government is in control of immigration flows.

Because of the socio-economic situation and the structural imbalances that clandestine immigration may cause, the Government takes a firm attitude towards illegal immigration, particularly to avoid the presence of clandestine immigrants giving rise to a parallel society. Advocating and implementing a policy of integration of foreigners legally resident in Belgium makes such an attitude necessary.

Action to curb clandestine immigration is directed at clandestine immigrants but also - and especially - at employers, suppliers of labour as well as any practices that favour or encourage clandestine immigration. In recent years the Government has taken important steps to strengthen the effectiveness of its policy of combating the traffic in persons and any form of illegal immigration.

Both the federal Government and federated entities are responsible for formulating and implementing policy concerning immigrants in Belgium.

The practice in the Flemish part of the country (Flemish Community) is to focus on the cultural aspect of integration by developing an approach aimed at enabling the members of minority groups to express their own culture as a group; since cultural diversity is considered an asset to society the cultural development of immigrants is actively supported.

The French-speaking part of the country (French Community and Walloon region) leans more towards a model whose ultimate goal is the cultural integration of all individuals on the basis of a uniform concept of citizenship. From this point of view, all individuals should be placed on an equal footing and the main emphasis is on the integration of victims of social exclusion. These two approaches are reflected in the various elements of the integration policy pursued by the two communities.

Belgium's tenth periodic report under the International Convention on the Elimination of All Forms of Racial Discrimination dated 22 March 1996 (CERD/C/260/Add.2) contains detailed information on policies aimed at the more effective integration of immigrant groups in Belgium, particularly in the areas of housing, employment and education.

Mention should also be made of the Act of 15 February 1993, which established the Centre for Equality of Opportunity and Action to Combat Racism.

The main purpose of the Centre, which succeeded to and took over the functions of the Crown Commissioner for Immigration Policy, is to promote equality of opportunity and combat all forms of distinction, exclusion, restriction and preference based on race, colour, descent, social origin or nationality.

The Centre, which is completely independent in the performance of its functions, is responsible for conducting studies and research and providing the authorities with advice and recommendations on the improvement of regulations.

The Centre has legal status, provides technical assistance, has standing before the courts and assists persons seeking information about their rights and obligations.

3. Racism and xenophobia

Belgium has not experienced a collective upsurge of racism in recent years. In 1994 it enacted a law supplementing that of 1981 punishing certain acts of racism or xenophobia. The new law increases the penalties for acts of racism and amends the definition of discrimination to bring it into line with the wording used in the Convention on the Elimination of All Forms of Racial Discrimination.

Violent incidents occurred in 1991 in Brussels neighbourhoods where immigrants were in the majority. These incidents were aggravated by the presence of unemployed youths reacting to identity checks by the police in the disadvantaged areas. A few minor incidents also occurred in 1997 in the same areas, but had no racist overtones. These incidents brought home to the

Government and local authorities the need for appropriate steps to integrate disadvantaged youths more effectively into their social environment. The local authorities have been allocated significant budgetary resources from a fund created for that purpose.

4. ILO Conventions

Of the list of ILO Conventions mentioned in the questionnaire, Belgium has ratified the Convention concerning Migration for Employment (Revised) 1949 (No. 97).

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Report of the Secretary-General

ANNEX

Submission from the Government of the Republic of Lithuania
dated 5 February 1998

GE.98-10433

Re: Answers to questionnaire
on Human Rights of Migrants

Dear Madam/Sir,

In response to the letter of the Office of the United Nations High Commissioner for Human Rights dated 2 December 1997, we have the honour to present some information concerning human rights of migrants in the Republic of Lithuania.

Encl.: 7 pages.

Respectfully,

S Jakštonytė

S.Jakštonytė (Ms.)
Deputy Director

SOME ISSUES RELATED TO PROTECTION OF REFUGEE RIGHTS IN LITHUANIA

Relevant legislative measures taken

Generally, the legal status of foreigners in Lithuania is regulated by the *Law on the Legal Status of Aliens*[1] and the *Law on Immigration* (the both laws were adopted on September 4, 1991). As regards the refugees in particular, Lithuania has adopted the *Law on Refugee Status* (it was passed on 4 July 1995). The *Law on Refugee Status* establishes the conditions and procedure for the provision and denial of refugee status to asylum seekers in the Republic of Lithuania, as well as refugee rights, duties, and the basis for the entrance and deportation of aliens.

The implementation of the Law was conditioned to the subsequent adoption of certain governmental regulations and to the establishment of the required infrastructure as well as ratification of the 1951 Geneva Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees[2]. Thereupon, the national asylum procedures became operational.

From among the by-laws adopted by the Government in implementing the *Law on Refugee Status* the following are to be mentioned:

- Regulation of the Refugee Reception Centre in Rukla (of 27 March 1996);
- Resolution on Establishment of Foreigners Registration Centre (of 30 September 1996);
- Resolution on Establishment of the Refugee Affairs Board (of 8 March 1997);
- Regulation of the Refugee Affairs Board (of 31 May 1996);
- Resolution on Examination of Applications for Refugee Status (of 3 March 1997);
- Resolution on Refugee Status in the Republic of Lithuania (of 3 April 1996);

It should be said that generally the national legislation in this field is consistent with international standards.

Procedure

Pursuant to the national *Law on Refugee Status in the Republic of Lithuania* and the above-mentioned Governmental resolutions the procedure for a refugee status determination consists of four main stages:

I. Admittance into the territory of the Republic of Lithuania.
II. Admittance into asylum procedure.
III. Substantive refugee status determination.
IV. Appeal procedure against refusal to grant refugee status:
    1) appeal to the Refugee Affairs Board;
    2) appeal to the law court.

Admittance into the territory of the Republic of Lithuania means that submission of asylum application is in itself a sufficient ground for foreigner's temporary stay on the territory of the Republic of Lithuania pending his/her status determination. The *Law on Refugee Status* (para.4, Article11) provides that there shall be refugee centres established to settle foreigners who have received temporary territorial asylum. Up-to-date there is one such institution established, i.e. located in Rukla town. It accommodates asylum seekers who have been granted temporary territorial asylum pending a decision on refugee status. Pursuant to the

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[1] A draft of new law on the legal status of aliens is submitted to the Parliament (Seimas). The new law will meet the European Union requirements in this field as well as the international conventions Lithuania has acceded to.

[2] Lithuania ratified the 1951 Convention of the Status of Refugees and its 1967 Additional Protocol on 21 January in 1997. These international multilateral agreements entered into force for Lithuania on 27 July 1997.

national legislation, a foreigner who has submitted a request for refugee status at the border control post must go to the refugee centre without delay.
In addition to the Refugee Centre there is the Foreigners Registration Centre, located in the town of Pabrade. It is a pre-screening institution for accommodation of asylum seekers pending their admittance into asylum procedure. The Centre is vested with the responsibility of making primary interviews on temporary territorial asylum, conducting the investigation aiming to verify if there are any reasons preventing the foreigner from enjoyment of asylum in Lithuania and submitting recommendations on grant or refusal of temporary territorial asylum, which is forwarded to the Migration Department[3].
In general, it is the Migration Department to the Ministry of the Interior which is charged with making decisions on admittance into the territory of the Republic of Lithuania.

Admittance into asylum procedure implies that a person is granted a temporary territorial asylum. The decisions on admittance to asylum procedure are taken by the Migration Department to the Ministry of the Interior. The foreigner is provided with temporary territorial asylum after having been established that there are no reasons barring the use of the Republic of Lithuania as an asylum. No appeal is provided against the negative decision. Temporary territorial asylum is granted while the request for refugee status in Lithuania is examined, or until he/she obtains a permit to enter another country. A document certifying the temporary asylum is issued. This document, at the request of the foreigner, provides for free travel to the refugee centre.

Substantial refugee status determination results in granting or refusal to grant refugee status. Refugee status is provided or denied by the Ministry of the Interior. The document certifying refugee status is issued to the foreigner by the Ministry. At the request of refugee, the Ministry of the Interior issues, subject to certain limitations, a travel document for trips outside the boundaries of the Republic of Lithuania.
Those who have been granted refugee status will get a residence permit and go through the social integration programme which will soon be finalised and approved by the Government of the Republic of Lithuania.
Generally a request for refugee status is to be examined within 6 months of the request being filed.

Appeal procedure against refusal to grant refugee status:

1) appeal to the Refugee Affairs Board.

A foreigner can appeal against a refusal to provide refugee status within 14 calendar days of receiving the decision to the Refugee Affairs Board[4]. Thus the Board examines appeals of asylum seekers against negative decision on refugee status, issued by the Ministry of the Interior.

2) appeal to the law court.

In accordance with the national legislation the foreigner can appeal in court against a

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[3] It should be said, however, that the Foreigners Registration Centre also serves another purpose - foreigners who illegally arrived to the Republic of Lithuania and are illegally staying there are placed at the Centre prior to their deportation.

[4] The Refugee Affairs Board was established on 6 June 1996. The composition of the Board, approved by the Government, stands as follows: one member of the Parliamentary Committee on Health Care, Social Affairs and Labour; one member of the Parliamentary Committee on Human and Civil Rights and Ethnic Affairs; representatives of the President of the Republic of Lithuania, Ministry of Health Care, Ministry of Education and Science, Ministry of Justice, Ministry of Foreign Affairs, Red Cross Society, and the Centre of Human Rights. The Board must investigate the foreigner's complaint within 10 calendar days of its receipt.

decision of the Refugee Affairs Board not to provide refugee status within 14 days of being notified of this decision. The court must give its ruling no later than 10 days after receiving the request for appeal. The judgement is final and cannot be appealed.

Legal protection of asylum seekers

Pursuant to the *Law on Refugee Status*, a refugee[5] in Lithuania enjoys all the rights pertaining to foreigners, which are established in international treaties and laws of the Republic of Lithuania.

The following legal guarantees of foreigners seeking asylum in Lithuania are to be mentioned.

A foreigner requesting refugee status, while his/her request is being examined:

1) is exempt from payments and taxes related to processing of documents concerning the request for refugee status;
2) uses the services of an interpreter free of charge;
3) lives in the refugee centre free of charge;
4) uses medical or psychological services free of charge;
5) uses services to legal consultation on the issue of providing refugee status;
6) every month receives a money allowance for minor expenses.

In accordance with the national legislation Lithuanian language teaching courses can be offered to refugees in Lithuania. Further, if necessary, special groups for the care of pre-school-age refugee children can be established.

Moreover, the *Law on Refugee Status* provides that legal and natural persons of the Republic of Lithuania shall establish a humanitarian aid fund for refugees. The activity of the funds can be supported by other states, international organisations and foreign private persons.

It is provided that a foreigner who seeks to receive refugee status in the Republic of Lithuania could not be deported or returned from the Republic of Lithuania to the country he/she left, if his/her life or freedom is exposed to danger as provided for in the present Law.

Meanwhile, a foreigner who has no right to enjoy asylum in the Republic of Lithuania and obtain refugee status according to the Law, can be deported from the Republic of Lithuania[6] only on the basis provided for in laws of the Republic of Lithuania. The Minister of the Interior adopts the decision concerning the foreigner's deportation.

A serious guarantee of refugee rights is the Refugee Affairs Board which is obliged to take measures against violating human rights with regard to refugees. It investigates reports and appeals related to facts of human rights violations of refugees or asylum seekers.

Present factual situation

Lithuania is making efforts to comply with international standards on asylum seekers protection. As described above, our country has created certain institutional capacity to deal with refugee matters. Nevertheless, our country still needs to solve a number of problems related to international migration. One of serious problems is the prolonged detention of migrants/asylum seekers at the Foreigners Registration Centre in Pabrade town. Detained persons previously were frequently returned to Belarus (a majority of them come to Lithuania namely through this neighbouring country), but

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[5] Pursuant to Article 2 of the Law on Refugee Status, in the Republic of Lithuania a foreigner shall be recognised as a refugee, if he/she has well-founded reasons to fear persecution because of his/her racial origin, religion, nationality, membership in some social group, or political views and cannot, or fears to, enjoy the protection of the country of which he/she is a citizen, or if he/she has no corresponding citizenship and is outside the territory of the country where he/she used to reside, and due to above reasons cannot, or fears to, return home.

[6] The procedure for deportation shall be set by the Government of the Republic of Lithuania according to the national laws.

lately have been refused readmission. As a result there are currently a considerable number of persons held in detention at the Pabrade Centre, some of whom have already been detained for several months. It is quite understandable that those who could not count for the refugee status need to be deported. Nevertheless the detainees at the Centre include both asylum seekers and persons who have left their countries of origin for other reasons. Considerable numbers of asylum seekers are waiting for quite prolonged time for a decision in their particular case. However, the detention in custody at the Pabrade Centre should be regarded as a measure necessary to ensure the aliens presence during examination of his/her case. Efforts are being taken to minimise detention period as well as to improve the detention procedure and material conditions of detainees.

As to the present refugee status has been granted to six individuals in Lithuania (one of them in appeal instance).

During the recent years there were no persons who applied for asylum at border posts. Only whilst being brought to the Foreigners Registration Centre a part of them applied for asylum (123 as of January 1998). The current number of migrants detained in the Foreigners Registration Centre reaches 234 persons. Meanwhile some time ago there were almost one thousand persons detained at the Pabrade Centre. The decrease in numbers was due to the successfully implemented voluntary return programme[7], organised by the International Organization for Migration and Foreigners Registration Centre, and recent transfer of asylum seekers to the Refugee Reception Centre. At the end of 1997 the Lithuanian Ministry of the Interior arranged voluntary return for a group of 200 stranded migrants. In total 1052 persons were removed from the Pabrade Registration Centre during 1997. Furthermore, as regards most recent developments one group of 103 persons was sent back from the Foreigners Registration Centre to Sri Lanka on 15 January of this year, while another group consisting of 84 persons was returned to Sri Lanka on 22 January.

The current number of asylum seekers in the Refugee Reception Centre in Rukla is 100 persons. The last group of 33 persons was transferred to the Refugee Reception Centre from the Pabrade Centre on 11 December 1997.

Up-to-date negative decisions, rejecting refugee status in the territory of Lithuania have already been made in respect of 34 persons. Almost all of them appealed to the Board of Refugee Affairs to get the decision reversed. The first appeal meeting of the Board convened on 5 December 1997, when two cases were heard. In one case the decision of the Migration Department was upheld, while in the other case the person was granted refugee status. The rejected case by the first appeal instance (i.e. Board of Refugee Affairs) will soon be submitted to the second appeal instance (i.e. court).

Measures taken to strengthen the promotion, protection and implementation of the human rights of refugees

- Public information issues. It has been agreed to set up an inter-ministerial committee consisting of representatives from the Ministry of the Interior and the Ministry of Social Security and Labour in order to deal with dissemination of asylum procedure-related information. It was expected that a draft concept of establishing a unified information system should be prepared by the end of January 1998. The Danish Immigration Service intends to invite Lithuanian officials dealing with documentation matters to work for a week in the Documentation Unit in the Danish Immigration Service in Copenhagen.
- Implementation of educational and training programmes. In November 1995, UNHCR commissioned a one-day symposium in Vilnius and a three-day seminar in Trakai, for government officials and non-governmental organisations representatives, on refugee issues. In 1996, UNHCR provided funding for 9 seminars for the promotion of and education concerning human rights. The

[7] From October 1997 approximately 600 persons were sent back voluntarily.

Lithuanian Centre for Human Rights arranged seminars in various towns of Lithuania. On 5-6 June 1996, UNHCR organised a seminar on refugee issues for public relations/media representatives. On 2-5 December 1996, together with the Ministry of Education and Science, UNHCR organised two seminars for Lithuanian teachers. Active teaching methods (e.g. indoor and outdoor games) have been employed.

- **Humanitarian assistance to asylum seekers in the Foreigners Registration Centre and Refugee Reception Centre.** Co-operation arrangements with the Vilnius and Kaunas Caritas to channel supplementary assistance through these non-governmental organisations to asylum seekers was concluded on 1 May, 1997. They will most likely be extended to mid-summer 1998.
- **A Twinning Arrangements has been proposed by the Danish Immigration Service,** using e-mail facilities in facilitating regular contacts between Danish and Lithuanian asylum/refugee experts.

  Establishment of the required infrastructure. Lithuania is further developing institutional network of the Foreigners Registration Centre, Refugee Reception Centre, Refugee Reception Board, the State Border Protection Department and other relevant bodies as well as mechanisms to deal with migration flows and refugee issues.
- **A Social integration programme** for refugees has been drafted by the Secretariat of the Board of Refugee Affairs. It encompasses housing, language training, employment, public awareness, etc.

II. International co-operation in the field of protection of refugee rights in Lithuania

There is a well established co-operation with the Nordic and some other countries as well as with the International Organization for Migration (IOM) Office in Helsinki, with United Nations High Commissioner for Refugees (UNHCR) Office in Stockholm, United Nations Development Programme (UNDP) - Vilnius.

It is expected that a co-operation agreement between the Government of the Republic of Lithuania and the IOM shall be signed in near future. Thereupon a regional IOM office will be established in Vilnius.

These main fields of international co-operation are to be mentioned.

- **Co-operation concerning the implementation of the Lithuanian refugee related policies.** Many Western countries and relevant international organisations provide with large measure of financial and logistic support to a humanitarian policy towards asylum seekers in Lithuania. In particular, the Nordic countries as have greatly supported the process of the implementation of both thorough direct and financial support and otherwise. A substantial assistance in the realisation of the *Law on Refugee Status* is provided through the Co-operation Agreement between the Ministry of the Interior, the Ministry of Social Security and Labour of the Republic of Lithuania and the Ministry of the Interior of Denmark.
- **Legal assistance project** has been tailored to assist asylum seekers with free legal counselling. This project is implemented under institutional shelter of the Lithuanian Red Cross and sponsored by UNHCR. Personnel for this project was recruited in the beginning of November 1997. Two training courses arranged by the Danish Immigration service and UNHCR Stockholm have been carried out. The lawyers have already been representing asylum seekers at the hearing of appeals at the Refugee Affairs Board. Further training of lawyers will be organised this year. Co-operation with the Open Society Fund - Lithuania within this project has been agreed.
- The 5th Donor Consortium[a] meeting was held on 22 January 1998 in

[a] The Consortium consists of five Nordic countries (Denmark, Finland, Iceland, Norway, and

Copenhagen. The main purpose of the meeting was to discuss the present state of the implementation process concerning the Lithuanian *Law on Refugee Status*, to determine needs of assistance in this connection and to discuss future donor assistance. The Lithuanian side was represented at the meeting by competent officials from the Migration Department to the Ministry of the Interior and the Foreigners Registration Centre. Nordic countries, the embassies of certain countries residing in Lithuania (i.a. the Nordic states, the Netherlands, Germany, France and USA), UNHCR Stockholm, IOM-Helsinki, UNDP Vilnius the Council of Europe's Social Development Fund, the Secretariat of the Nordic Council of Ministers in Copenhagen, the Council of Europe's Social Development Fund and European Union's Secretariat General Task Force in relation to Phare Eastern Border Management Programme.

- IOM Voluntary return of migrants programme is carried out in co-operation with administration of the Foreigners Registration Centre and UNHCR liaison officer/legal adviser. The US Government made $ 200,000 available for this programme to be implemented in Lithuania. One charter flight was arranged on 30 October 1997, and 103 people were sent to their home countries (India and Pakistan). Two more operations were successfully carried out on 11 and 12 December, when 58 Pakistani and 102 Bangladeshi left for their home countries. In addition, 337 migrants financed themselves their return to their homelands. As was mentioned above, recently two more groups of immigrants were sent back to Sri Lanka on 15 and 22 January of this year.

Conclusion of bilateral readmission agreements

Lithuania has concluded agreements on readmission with the following countries: Latvia, Estonia, Finland, Iceland, Italy, Slovenia, Sweden, Switzerland, Ukraine. The conclusion of readmission agreement with Ukraine (it came into force on 29 March 1997) was quite important as a number of persons detained in Lithuania come directly from Ukraine.

Moreover, it is expected to conclude corresponding agreements with Belarus, Russia, Poland, Germany. Taking into consideration a fact that most of illegal immigrants come from Belarus and, partly from Russia, the lack of readmission agreements with these transit countries seriously impairs dealing with the detained aliens. It is expected that respective agreements with Russia and Belarus will be concluded in the first half of 1998.

With regard to Lithuania's accession to the 1990 International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Employment of 1949 and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers of 1975 it should be said that at present this matter is under consideration of competent authorities.

Sweden) which are assisting Lithuania in realisation of the refugee-related policy.

THE REPUBLIC OF LITHUANIA

Latest statistical data

Total population: 3,707,213 (as of 1 October 1997). Percentage of the nationalities: Lithuanians 81,5%; Russians 8,3%; Poles 7%; Belarussians 1,5%; Ukrainians 1%; Jews 0,2%; other nationalities 0,7%.
Non-citizens: in total 26,971 residence permits have been issued (to citizens of): Russia (12,024); Belarus (1,306); stateless persons (11,863); Ukraine (787); Poland (288); Kazakhstan (104); Latvia (102); Georgia (64); Israel (62); Armenia (54); *et al.*
Number of Lithuanian citizens abroad: 12,151 (as of 1 December 1997) *by country of residence*:
Argentina (74); Australia (253); Belarus (652); Belgium (12); Brazil (18); Bulgaria (16); Canada (531); Czech Republic (12); Great Britain (146); Estonia (978); Finland (28); France (54); Georgia (12); Germany (1,116); Greece (7); Hungary (17); Italy (28); Israel (1,167); Kazakhstan (54); Latvia (1,137); Moldova (20); Poland (338); Russia (2,688); Sweden (38); Switzerland (21); Ukraine (349); Uruguay (22); USA (2,231); Uzbekistan (7); Venezuela (21) *et al.*
Number of illegal migrants (excluding visa regime abusers) during 1997 reached 1,693, i.a. from Afghanistan (241); from Pakistan (268); from Bangladesh (257); from India (212); from China (263); from Sri Lanka (305); from other countries (103).
Number of non-citizens having authorization to work in the Republic of Lithuania amounted to 807 (as of 1 January 1998), coming, inter alia, from:
Ukraine (151); Russia (125); USA (67); China (64); Great Britain (55); Belarus (50); Germany (45); Poland (26); Denmark (25); Canada (19); Finland (19); Latvia (18); Armenia (17); France (11); Switzerland (9); Italy (9); Vietnam (8); India (8); Israel (7); Sweden (6); Turkey (6); Portugal (5); Norway (4); Estonia (4); Holland (4); Kazakhstan (4) *et al.*

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Report of the Secretary-General

ANNEX

Submission from the Government of Germany
dated 2 February 1998

GE.98-10436

The Permanent Mission of Germany to the Office of the United Nations and to the other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the latter's Note of 2 December 1997 concerning information on the Human Rights of Migrants has the honour to enclose the reply of the Federal Republic of Germany to the questionnaire of the Working Group.

The Permanent Mission of Germany to the Office of the United Nations and to the other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 2 February 1998

Translation

Questionnaire on the Human Rights of Migrants

Reply by the Government of the Federal Republic of Germany

January 1998

Question 1
First indent

See attached table (Annex 1).

Second indent

No reliable statistics are available on the number of German nationals living abroad. Enclosed are unofficial figures (Annex 2) provided by the Verein für das Deutschtum im Ausland e.V. (Association for the Promotion of German Culture Abroad), which the Federal Government is not in a position to verify.

Third indent

On 31 March 1997 2,022,586 non-nationals, amounting to 7.5% of those in employment, had jobs requiring payment of social insurance contributions. Broken down by nationality, the figures are as follows:

Turkey	559,601
Former Yugoslavia	311,360
Italy	197,591
Greece	110,786
Portugal	50,961
Spain	46,259

These figures do not include people who, since their monthly pay is below a certain level (DM 610 in the old, DM 520 in the new Federal Länder) or because they are self-employed, are exempt from paying social insurance contributions.

Fourth indent

There are no official estimates of the number of irregular migrants in Germany.

Questions 2 and 3

Detailed information on this issue is given in the Thirteenth/Fourteenth Periodic Report of Germany submitted in 1997 under Article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD/C/SR. 1197). Further information is contained in the UN Special Rapporteur's report on his visit to Germany in 1995 entitled Report on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and related Intolerance (E/CN.4/1996/72/Add.2).

Question 4

Germany has ratified ILO Convention No. 97. It has not ratified ILO Convention No. 143 (principally on account of the obligations contained in Articles 8 and 9) or the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which Germany has also not signed (for reasons set out in an explanatory statement on voting by Germany's representative when the Convention was adopted in 1990 and which are still valid).

Secretariat note: Annexes 1 and 2 are kept by the Secretariat and are available upon request.

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Report of the Secretary-General

ANNEX

Submission from the Government of the Philippines
dated 2 February 1998

GE.98-10439

No. 021/LRB-98

The Permanent Mission of the Philippines to the United Nations and Other International Organizations in Geneva has the honor to refer to the note of the Secretary General (ref. GVA 8995) concerning the Questionnaire on Human Rights of Migrants. In this regard, attached is the Philippine response to the questionnaire for consideration of the working group on the human rights of migrants.

Geneva, 2 February 1998

Philippine Responses to the Questionnaire on Human Rights of Migrants

I. *Latest Figures or Estimates on:*

A. *Total Population of RP, including Non-nationals (by country of origin*

The 1990 population census of the Philippines showed a total of 60.56 million, with the Filipinos numbering 60.42 million. The rest numbering 134,211 persons (.02 per cent of the total) were foreign nationals made up mostly of Chinese (44 per cent of the total number of foreign population), Americans (14.5 percent), British (5 percent), Indonesians (3 percent), Japanese (2.3 percent) and Indians (2 percent). According to the Population Commission, the latest estimate for the total number of population in the Philippines (as of 01 September 1995) is 68,616,536 or close to 70 million, with the number of foreign nationals roughly remaining the same. Since census-taking occurs every ten years, the new official statistics will not be able until after the year 2000.

As of 31 October 1997, a total of 127,251 aliens were registered by the Bureau of Immigration (BID) with nationals from about 10 countries of origin dominating the profile. Enclosed are the following statistical tables:

* Table 3 (Registered Aliens in the Philippines)
* Report on Applications under the Philippine Alien Social Integration Act (as of 31 October 1997)

B. *Number of Nationals Abroad (by country of residence)*

According to the Department of Labor and Employment (DOLE), there was an overall total of recorded migration outflows of 8.95 million Filipinos between 1975 to 1995. Of these, 7.90 million or 88 per cent are overseas Filipino workers while only 1.04 million are permanent migrants. The official register of the Commission on Filipinos Overseas (CFO) showed a total of 943,842 Filipino immigrants (fiancés/fiancées/spouses of foreign nationals or Filipino permanent residents) who are residing overseas from 1981 to 1997.

At any given time, its is estimated that there are 6 million Filipino workers overseas of which 1.8 million are irregular migrants.

Enclosed are the following statistical tables:

- Table 1 (Comparative Annual Statistics on Irregular Recruitment Victims)
- Table 2 (Distribution of IR Victims by Sex)
- Table 3 (Purported Countries of Destination)
- Table 6 (Country of Destination of Filipino OCWs 1975-1995/in percent)*

According to DOLE, while the Middle East remains the primary destination of Filipino migrant workers, its importance has considerably waned over the past 20 years. The late 1980s has seen the emergence of East and Southeast Asian countries as major worker destinations. At least 6 Asian countries play as among the top 10 hosts of Filipino workers. The same trend can be said of the destinations of irregular migrants since their main purpose in leaving the country is still employment.

As host countries grew more prosperous, a shift is seen in the international demand for Filipino workers during the 1980s as indicated in the decline in the relative share of workers in the production and process workers and the increasing demand for service workers, usually domestic helpers, caretakers of elderly people and to some extent, entertainers. These work categories being traditionally done by women has resulted in the feminization of labor migration.

This trend is sustained in the 1990s when the proportion of women going to work abroad for the first time was half of all newly hired workers. A progressive trend is indicated in the succeeding years when the share of women among the neophyte workers rose to 55 percent in 1993 and 60 percent in 1994. During this period, an overwhelming majority of first-time overseas workers to Asian countries were women; at the same time, those bound for the Middle East countries are also increasing steadily in contrast to the 1970s and 1980s when the majority bound for such countries were male workers. Between 1992 and 1994, women migrants constituted an overwhelming majority of the workers bound for Hong Kong, Japan, Singapore, Brunei; trends in Taiwan and Malaysia also indicate an increasing intake of female workers.

The number one group of migrants in terms of skills are the service workers (e.g., domestic workers), followed only by the production workers (e.g. garments and electronics factory workers) and the professional and technical workers (e.g., bankers, engineers). Lagging in rank are the group of clerical workers, agricultural workers, sales workers and managerial workers.

C. *Non-Nationals Having Authorization to Work in RP*

[Statistics from the Bureau of Immigration and Deportation to follow.]

D. *Irregular Migrants to RP, including Visa Abusers (by country of origin)*

[Statistics from the Bureau of Immigration and Deportation to follow.]

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* Tables are kept in the files of the Secretariat and are available upon request.

II. *Measures Taken in the Philippines to Strengthen the Promotion, Protection and Implementation of Human Rights of Migrants*

A. Legal and Administrative Measures

- **Revised Penal Code** - the following acts carry penal sanctions under the Code: *Corruption of Minors* (Art. 340. Any person who shall promote or facilitate the prostitution or corruption of persons underage to satisfy the lust of another.); *White Slave Trade* (Art. 341. Any person who in any manner or under any pretext engages in the business or shall profit by prostitution or shall enlist the services of any other for the purpose of prostitution.)

- **Mail-Order Bride Law** (Republic Act 6955) - declares unlawful the practice of matching Filipino women for marriage to foreign nationals on a mail order basis and other similar practices including the advertisement, publication, printing or distribution of brochures, fliers and other propaganda materials.

- **Special Protection of Children against Child Abuse, Exploitation and Discrimination Act** (Republic Act 7610) - provides for stronger deterrence against abuse, exploitation and discrimination of children (below 18 years of age) punishable with *reclusion temporal* to *reclusion perpetual*.

- **The Migrant Workers and Overseas Filipinos Act of 1995** (Republic Act 8042) - defines the crime of illegal recruitment as any act of canvassing, enlisting, contracting, transporting, utilizing or procuring workers and includes referring, contracting services, promising or advertising for employment abroad whether for profit or not, when committed by a non-licensee or non-holder of authority. It provides for a maximum penalty of life imprisonment and a fine of not less than PHP500,000 but not more than PHP1 million to be imposed if the person who is illegally recruited is less than 18 years of age or if the crime is committed by a non-licensee or non-holder of authority. The law provides for mandatory assistance to distressed Filipinos, whether legal or irregular migrants and for repatriation of underage migrant workers. It brings undocumented workers within the purview of law by allowing them to register with the Migrant Workers Centre at jobsites. It also created the Legal Assistance Fund to be used exclusively for migrants in distress.

- **The Philippine Passport Act of 1996** (Republic Act 8239) - aimed at deterring illegal acts of recruiters and travel agencies through the protection and maintenance of the integrity and credibility of passports and travel documents.

- **The Witness Protection, Security and Benefit Act** (Republic Act 6981) - grants witnesses certain rights and benefits for victims of illegal recruitment and or their witnesses.

- **The Alien Social and Integration Act of 1995** (Republic Act 7919) - grants permanent resident status to qualified aliens and aims to bring them into the mainstream of Philippine society thus making them active participants in its development. The law covers aliens who entered the country before 30 June 1992 whose stay in the country is otherwise illegal under existing laws and who may want a confirmation or affirmation of their stay in the Philippines. These may include illegal entrants as well as legal entrants whose stay has become illegal. Under the latter category are tourists who entered legally but have since become overstayers, and holders of regular visas like students, pre-arranged employees, treaty traders, and special non-immigrants covered under CID Order No. 118 of March 197e which have since expired or been revoked. It also covers holders of visas, the basis for which does not exist such as permanent residents married to Filipino citizens but whose marriages are spurious or for convenience, and investors with no investments. Aliens who wish to confirm or affirm their stay in the country are those whose stay is of doubtful status, i.e., the basis is not by law but mere administrative issuance. Examples are holders of temporary resident visas issued pursuant to Law Instruction No. 33 and 48 as well as Note Verbale of the Department of Foreign Affairs dated 17 September 1990 and also covers holders of non-permanent resident visas.

- Administrative Measures by the POEA (Protective/Preventive)

  i/ Pre-deployment Protective Mechanisms - involves more stringent procedures and documentary requirements (e.g., domestic helpers should be at least 25 years old and 30 years if bound for Saudi Arabia and Bahrain; ability to speak, write and read English is a must; female entertainers should be at least 21 years old).

  ii/ Special Hiring Program for Household Workers - a new system which involves a comprehensive pre-qualification and selection process, i.e., registration, training, trade testing, systematic monitoring of departure and arrival, strengthened grievance machinery, re-entry preparations on-site, a one-stop accreditation and contract processing facility (*implementation on hold due to a court injunction.*)

  iii/ Selective Deployment (Department Order No. 32 Series of 1996) - deployment of Filipinos for overseas employment is subjected to the following conditions: female household workers (HW) and overseas performing artists (OPAs) meet the prescribed minimum age requirements; workers possess basic literacy skills, experience and/or training required by the job; workers shall be deployed to host countries that provide protection to foreign migrant workers in the form of labor laws, bilateral and multilateral agreements and other safety mechanisms.

iv/ Full Disclosure Policy (Department Order No. 35 Series of 1996) - a mechanism whereby all parties to a contract declare the real terms and conditions in all aspects of the worker's employment.

v/ Deployment Ban/Markets or Skills Restriction - Suspension of deployment, restriction of market skills by the POEA if circumstances warrant the same, depending on the conditions, peace and order situation on site and upon the advice of the DFA and Philippine Embassy posts.

vii/ Watchlisting/Blacklisting of Foreign Principals and Employers - Prohibits from participating in the overseas employment program employers, principals and contracting partners found defaulting on their contractual obligations to workers, agencies and/or violating rules and regulations on overseas employment or committing grave misconduct and offenses involving moral turpitude.

viii/ Rationalizing the Conditions, Requirements and Procedures for the Deployment of Performing Artists (Department Order No. 21 Series of 1996) - establishes welfare programs and operationalizes welfare and monitoring centers in strategic locations to strengthen and enhance the on-site protection of performing artists.

ix/ Requirements, Conditions and Procedures for the Deployment of Filipino Performing Artists Overseas (Department Circular No. 01-91; Department Order No. 3.3-A Series of 1994) - set qualifications of performing artists; pre-qualification of principals/promoters; pre-qualification of performance venues; posting of escrow deposits by the foreign employers/promoters in the amount of US$20,000 or its equivalent in Philippine currency, to answer for all claims of the artists against the employer/promoter; comprehensive training and certification of performing artists prior to deployment to ensure skills, psychological and emotional preparedness for overseas employment.

B. Public Information and Education

* **Migrants Advisory and Information Network** or MAIN. Twelve participating agencies (Department of Foreign Affairs, Department of Labor and Employment, Department of Social Welfare and Development, Department of Interior and Local Government, Philippine Information Agency, Commission on Human Rights, National Commission on the Role of Filipino Women, Philippine Overseas Employment Administration, National Bureau of Investigation, Bureau of Immigration, Overseas Workers Welfare Administration and the Commission on Filipinos Overseas) are cooperating to raise public awareness on migration realities, issues and concerns. MAIN activities include the conduct of information campaigns and the provision of visible and accessible information, counselling and advisory services at the

regional, provincial, municipal and barangay levels. Among the materials being distributed is the MAIN Reference Manual (CFO publication) which contains immigration, labor and social security policies of major countries of destination, as well as the directory of MAIN focal persons.

* **Educational Modules on International Migration and Development in the Elementary and High Schools.** The Commission on Filipinos Overseas, the Department of Education, Culture and Sports, and the Philippine Overseas Employment Administration, in consultation with the NGOs and the academe, developed an educational module on international migration and development. Said module contains 45 lessons which will be integrated in the social studies and values education subjects in the elementary and high schools starting schoolyear 1998-1999.

* **Promotion of workers' education with the end in view of empowering women workers thus enabling them to protect themselves against any form of abuse or violence.** These consist of the following activities which are mainly undertaken by the POEA in collaboration with public and private sector groups:

i/ Mandatory and centralized pre-departure orientation seminars (PDOs) for all migrant workers departing for the first time, especially women migrant workers in vulnerable occupations like domestic helpers and entertainers, in partnership with accredited NGOs. The seminars inform participants of the culture and mores of the host countries; the nature of their work overseas; their duties and responsibilities including towards their families; remittance requirements; airport departure procedures; arrival, etc.

ii/ Nationwide pre-employment orientation seminars (PEOs) at the grassroots level in tandem with Local Government Units, Non-Government Organizations, People's Organizations and other civic or religious groups.

iii/ Anti-illegal recruitment campaign involving the support of a massive inter-agency participation of law enforcement bodies and volunteer civic groups, in the form of seminars for law enforcers, prosecutors, academe and other NGOs.

iv/ Zonal and regional conferences on overseas employment with Anti-Illegal Recruitment Coordinating Councils nationwide.

v/ Radio and television programs and articles in the print media tackling issues on migration such as Pre-employment Orientation on Air (DZRH), Radyo ng Bayan.

vii/ Travel advisories and market updates.

viii/ Information materials such as posters, brochures, comics, and primers.

C. Provision of Direct Assistance and Services

* **CFO Services for Filipino Emigrants**

i/ Orientation Seminars for Pre-departing Filipino Emigrants - In these daily pre-departure sessions, information is provided on travel regulations, cultural differences, rights of migrants, employment and social security in destination countries, immigration procedures, and obligations of Filipino citizens, among others, to facilitate the adjustment of Filipino emigrants in their countries of destination.

ii/ Guidance and Counseling Services for Fiancées/Spouses of Foreign Nationals - These daily sessions for departing Filipino fiancées and spouses of foreign nationals are aimed at helping them cope with difficulties in intercultural marriages and settlement overseas. They are provided with information on migration laws, cultural differences, available support services in their countries of destination, marriage concerns, ways of coping with difficult situations and rights of migrants overseas.

iii/ Sponsors' Watchlist Information System - Operationalized in 1996, this system facilitates access of information about foreign partners who may have petitioned other Filipino fiancées/spouses. Filipino partners of foreign nationals undergoing counselling at CFO are consequently informed of previous sponsorships by their partners in the event that these exist on the information system.

iv/ Peer Counseling - Counselling services are provided to Filipino emigrants who belong to the 13-19 age bracket to help them adjust and cope with their peculiar anxieties and apprehensions about going abroad.

v/ Post-Arrival Orientation Services - In cooperation with 10 Filipino and international organizations in the US, Canada, Australia, Japan, Taiwan and Germany, CFO conducts post-arrival orientation services for emigrants to enable newly-arrived Filipinos to link with employment agencies, migrant resource centers, support groups and Filipino associations in their areas of settlement.

* **DOLE/POEA Services**

i/ Legal Services - free legal counseling and advice; free legal assistance to victims of illegal recruitment in the filing of cases, prosecution and trial; free legal assistance to migrants in the filing of cases with money claims arising out of employer-employee relationships or any claim arising from contracts of

employment; free legal assistance to applicants/migrants with pre-employment complaints against recruiters or agencies.

ii/ Repatriation - Repatriation of stranded, detained, maltreated, ailing or deceased worker is done in collaboration with OWWA, Philippine Embassies/Consulates and Overseas Labor Corps.

iii/ Promotion of Workers Education and Information Campaign *(See listing above)*

iv/ Reintegration services and programs - Training courses are being offered and information on employment and livelihood options are provided once workers decide to return to the Philippines permanently or temporarily. All the programs and services of the Department of Labor and Employment and its agencies are available for all overseas workers. These include skills training and upgrading courses by Technical Education and Skills Development Authority (TESDA), including its own placement services; the Bureau of Local Employment (BLE's) employment placement and referral services; OWWA's livelihood loan referrals and skills-for-employment scholarship baccalaureate course.

v/ Staff development for DOLE officers attending to women migrant workers - Gender-sensitive seminars are incorporated in the training of DOLE-OWWA and officers working directly with OFWs as well as overseas officers.

* **DFA Services**

In accordance with the Migrant Workers and Overseas Filipino Act (Republic Act No. 8042), a special action office was created at the Department of Foreign Affairs which became known as the Office of the Legal Assistant for Migrant Workers Affairs or OLAMWA. This office coordinates all legal assistance to Filipinos abroad and supervises the Consular Assistance Division (CAD) which extends various consular services, including legal assistance and repatriation, to Filipino nationals. The fulfillment of CAD's mandate has been supported by increasing financial outlays (i.e., 57 million pesos from 1995 to May 1997, excluding the 100 million pesos spent for repatriation of Filipinos from the Gulf area and from Sandakan).

The Department of Foreign Affairs launched several initiatives to ensure efficient delivery of services and assistance to overseas Filipino Workers (OFWS), most notable of which are the following:

i/ Establishment of ***round-the-clock assistance centers*** under the direct supervision of Philippine Embassies and Consulates, in countries where there is a large concentration of Filipinos. As of May 1997, there are a total of 25 such centers which operate even on week-ends and holidays.

The Office of Workers' Welfare and Administration (OWWA) operates Filipino Workers Resource Centers (FWRC) which are attached to the assistance centers operated by the Philippine embassies and consulates. The FWRC offer overseas workers counseling and legal services, conciliation of disputes arising from employer-employee relations; translation of written complaints and interpretation services during court hearings; procurement of medical and hospitalization services; information and orientation programs for overseas workers; human resource development including skills training and upgrading. While the Centers cater to all overseas Filipinos, majority of priority custodial cases are women.

Other services offered in the FWRCs include Kabuhayan services such as training and retraining referrals; livelihood loan referrals; investment counseling. Upgrading courses like computer lessons are popular, particularly among domestic helpers in Singapore and Hong Kong who would have the opportunity to upgrade their occupational status by getting employed in the commercial and industrial sectors in their host countries.

Social counseling is also offered for women workers and their female dependents to help them cope with the adjustment process once they return home.

ii/ Establishment of *DFA passport extension offices* all over the country (now numbering 11) to coordinate with relatives of OFWs in need of assistance in order to facilitate prompt response.

iii/ Preparation and implementation of the provisions of the *Crisis Management and Security Manual* in the event of natural calamities or armed conflict threatening the lives and safety of Filipinos abroad.

iv/ Establishment of a *communication network* to enable the DFA and its foreign posts to stay in touch with the host government on the one hand, while coordinating with Philippine Government agencies on the other. This network helps the DFA gather information from different sectors abroad while at the same time handle information flow with media, NGOs and foreign embassies in the Philippines.

v/ *Close coordination with government agencies and task forces* on issues relevant to migrant workers.

D. Other Measures, including Bilateral/Multilateral Arrangements

* **Enhanced inter-agency cooperation in the drive against illegal recruitment**

It has been noted that aspiring overseas workers continue to be victimized by illegal recruiters who have ingenuously expanded their operations to cover the country's international airports and seaports. Illegal recruitment, in all forms, including human smuggling and trafficking of migrants pose a serious and persistent problem causing the President of the Philippines, Fidel V. Ramos, to

declare the year 1997 as Anti-Migrant Trafficking Year (Proclamation No. 976).

On 07 June 1997, the concerned government agencies signed a memorandum of agreement to enhance cooperation of all agencies in the prevention of the existence and/or proliferation of illegal recruiters providing escort services at the international airports and seaports. The government agencies involved are the Philippine Overseas Employment Administration (POEA); the Manila International Airport Authority (MIAA); the Bureau of Immigration (BI); the Department of Foreign Affairs (DFA), the Philippine National Police (PNP); the National Prosecution Service (NPS); the National Bureau of Investigation (NB

(NBI). A co-signatory to the memorandum is the Airline Operators Council (AOC), an organization of airline companies operating in the Philippines.

* **Databank on Migration** - The Commission on Filipinos Overseas (CFO) is developing estimation procedures on migration, which will strengthen policy making on overseas migration through the development of an information system on international migration statistics. The initial phase of this activity, which involves the development of the technical project proposal for the estimation procedure, is on-going.

On the other hand, six government agencies (Department of Foreign Affairs, Commission on Filipinos Overseas, Department of Tourism, Philippine Overseas Employment Administration, Overseas Workers Welfare Administration and the Bureau of Immigration) are involved in the Shared Government Information System which allows the free-flow of data exchanges and sharing among the agencies concerned in the movement of Filipinos overseas, to be used as a basis for the development of measures to promote their well-being.

* **Bilateral Agreements and Multilateral Initiatives** - Bilateral agreements to protect Filipino migrant workers have been forged with Jordan, Iraq, Qatar, Libya, Papua New Guinea, Federated States of Micronesia, Liberia and the Commonwealth of Northern Marianas Island (CNMI).

The DFA and DOLE also conducted joint labor commissions with the Gulf Cooperation Council, Malaysia and Korea.

The Philippine Government is currently negotiating labor agreements with the following countries: Taiwan (MOU on the Special Hiring Program for Taiwan); Bahrain (Agreement on Manpower, Economic, Commercial, Technical Cooperation); Lebanon (Bilateral Manpower Agreement); Kuwait (MOU on Labor); Oman (MOA on Mobilization of Manpower); KSA (MOU on Labor);

and Kuwait, UAE, Qatar, Bahrain and Oman (MOU on the Establishment of the Joint Ministerial Commission for Bilateral Cooperation).

In the multilateral arena, the issue of migrants was strongly championed and ventilated by the Philippines in relevant foras, like the 1993 Vienna World Conference on Human Rights, 1994 Cairo International Conference on Population and Development, 1995 Copenhagen World Summit for Social Development and the 1995 Beijing World Conference on Women.

In the annual UN General Assembly sessions, the Philippines has been pushing and campaigning for more ratifications of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Also in the UNGA sessions as well as in the annual meetings of the UN Commission on Human Rights (UNCHR) and the UN Commission on the Status of Women (CSW), the Philippines takes the lead in sponsoring and negotiating the adoption of resolutions exhorting member states to address the issue of violence against women, particularly women migrant workers. UNGA resolutions on women migrant workers, which were always adopted by consensus, were initiated by the Philippines and co-sponsored by other countries in 1992, 1993, 1994, 1995 and 1996/1997.

The Philippines also continues to sponsor resolutions in the UN to prevent traffic in women and girls and to criminalize human trafficking in all its forms.

In addition, the Philippines currently supports two regional initiatives affecting migrants, namely: the Manila Process under the International Organization for Migration (IOM) serving as the forum for issues relating to irregular migration in Asia and the Pacific, and the Bangkok Process under the UN High Commissioner for Refugees (UNHCR) which discusses issues relating to refugees and forced migrations, also in the Asia and the Pacific.

III. Any Manifestations (No. of Cases) of Racism, Xenophobia and other Forms of Discrimination Against:

A. *Migrants in the Philippines*

Racism, xenophobia or other forms of discrimination has never officially or factually existed in the Philippines. There has never been any references to the existence of a discriminatory policy on racial grounds nor has there been any allegation of instances of racial discrimination as a specific kind of human rights violation in the Philippines. There has also been no reported case of xenophobia or intolerance exhibited by any Filipino toward any migrant in the country.

B. *Filipino Nationals in Other Countries*

While the Philippine Government maintains no official records, it is possible that Filipino nationals may have encountered racism, xenophobia or other forms of discrimination while they are residing or working abroad. However, the Philippine Government is particularly concerned about the welfare of its migrant workers, particularly women migrant workers, in light of the well documented cases of violence a number of them have encountered (e.g., exploitative terms and conditions of work; unpaid salaries; physical abuse, sexual harassment and rape; trafficking and forced prostitution).

IV. *Steps Taken to Ratify Relevant Conventions*

A. *1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*

B. *1949 ILO Convention Concerning Migration for Employment (No. 97)*

C. *1975 ILO Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143)*

The Philippines ratified the 1990 UN Convention on migrant workers on 06 June 1995. It has yet to ratify the above ILO Conventions.

However, it has ratified the ILO Convention No. 19 on the equality of treatment for nationals and foreign workers as regards workmen's compensation for accidents (April 1994) and ILO Convention No. 118 concerning equality of treatment for nationals and non-nationals in social security (April 1994).

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